

**50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Findings on Petitions To List Four Puerto Rican Waterfowl and Sherman's Fox Squirrel**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition findings.

**SUMMARY:** The Service announces three 12-month findings for petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. All three of the requested actions have been determined to be warranted but precluded by other actions to amend the lists.

**DATES:** The findings reported in this notice were made from December 1988 to March 1989. Comments and information may be submitted until further notice.

**ADDRESSES:** Information, comments, or questions regarding the petition findings for the Puerto Rican waterfowl may be submitted to the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622 (telephone 809/851-7297); and for Sherman's fox squirrel to the Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216 (telephone 904/791-2580, FTS 946-2580). The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the addresses listed above.

**FOR FURTHER INFORMATION CONTACT:** Hilda Diaz-Soltero at the Caribbean Field Office, or Mr. David Wesley at the Jacksonville, Florida, Field Office (telephone numbers are listed above under "ADDRESSES").

**SUPPLEMENTARY INFORMATION:****Background**

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, the U.S. Fish and Wildlife Service (Service) should make a finding within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c)

warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested is found to be "warranted but precluded by other actions to amend the lists" should be treated as though resubmitted on the date of such finding, i.e., requiring a subsequent finding to be made within 12 months. Such 12-month findings are to be published promptly in the Federal Register.

A petition to add the white-cheeked pintail, *Anas bahamensis*, to the List of Endangered and Threatened Wildlife was contained in a memorandum from the refuge staff of Caribbean Islands National Wildlife Refuge. It was dated November 21, 1985, and was accepted for consideration on November 22, 1985. The petition contained documentation of a serious island-wide decline in this species in Puerto Rico since the 1950's, from a former condition of being one of the most abundant waterfowl there. Habitat losses and illegal taking were suggested as causes for the decline. The Service found at 90 days that the petition presented substantial information that the requested action may be warranted, and the finding was reported in the Federal Register for August 20, 1986 (51 FR 29671). That publication also initiated formal status review for the white-cheeked pintail. A 12-month finding for this species determined that the action requested was warranted but precluded, and was reported in the Federal Register on July 1, 1987 (52 FR 24485). A subsequent 12-month finding that the requested action was warranted but precluded by work on other species having higher priority for listing was reported in the Federal Register for October 4, 1988 (53 FR 38969).

Review of the available evidence by Service biologists continues to indicate that listing of this species is warranted, but precluded by work on species having higher priority for listing. The status of this duck is generally comparable to that of the three other waterfowl species now under petition for Federal listing from the Puerto Rican Department of Natural Resources (see next petition finding below). The action requested by this petition for the white-cheeked pintail has again been determined to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

In a petition, dated December 27, 1984, and received January 3, 1985, the Service was requested by the Department of Natural Resources of the Commonwealth of Puerto Rico to list the

Puerto Rican populations of the following three species of waterfowl: Caribbean coot, *Fulica caribea*; ruddy duck, *Oxyura jamaicensis*; West Indian whistling duck, *Dendrocygna arborea*.

All three of the above waterfowl species have declined significantly in Puerto Rico, but information on their status throughout the rest of their respective ranges and the relationships between various island stocks is still sketchy. An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on July 5, 1985 (50 FR 27637). Subsequent 12-month findings that the requested action was warranted but precluded by work on other species having higher priority for listing were reported in the **Federal Register** for August 20, 1986 (51 FR 29671), July 1, 1987 (52 FR 24485) and for October 4, 1988 (53 FR 38969). The action requested by this petition for the three Puerto Rican waterfowl species was again determined to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

In a petition dated November 21, 1987, and received by the Service on November 27, 1987, the Service was

requested by Mr. Reed F. Noss to list Sherman's fox squirrel, *Sciurus niger shermani*, as a threatened species with critical habitat. The petition cited the species' category 2 listing on the most recent vertebrate notice of review (September 18, 1985, 50 FR 37458), some status work conducted by the petitioner, and other data in the possession of Florida Natural Areas Inventory in support of the action requested. Formal status review for this species was initiated by the 1982 Vertebrate Notice of Review. An administrative finding that the action requested may be warranted was made on March 1, 1988. A **Federal Register** notice announced the 90-day petition finding on July 19, 1988 (53 FR 31723). A 12-month finding has subsequently been made that the action requested in respect to Sherman's fox squirrel is warranted but precluded by work on other species having higher priority for listing.

Section 4(b)(3)(B)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress is being made in listing endangered and threatened

species and is reported annually in the **Federal Register**. The most recent progress report was published on December 29, 1988 (53 FR 52746).

#### Author

This notice was prepared by Thomas W. Turnipseed, Division of Endangered Species, U.S. Fish and Wildlife Service, 75 Spring St., SW., Atlanta, Georgia 30303 (404/331-3583 or FTS 242-3583).

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93-204, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 8751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411; Pub. L. 100-478, 102 Stat. 2306; Pub. L. 100-653, 102 Stat. 3825), unless otherwise noted.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: June 12, 1989.

Susan Recce Lamson,  
Acting Assistant Secretary for Fish and  
Wildlife and Parks.

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